

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

WILLIAM MITCHELL,  
Plaintiff,

No. 1:14-cv-1854-CL

v.

RUSSEL BURGER, et al.,  
Respondents.

**ORDER**

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

After reviewing the file, I agree with Magistrate Judge Clarke that this action must be dismissed for the reasons cited in

the prior order (#5), and for failure to prosecute. Accordingly, I adopt the Findings and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Findings and Recommendation (#18) is adopted. Petitioner's motion to transfer (#17) is denied. The petition (#1) is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 17 day of April, 2015.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE